UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA McCOLLUM, individually, and STEPHANIE KINGREY, individually and as independent administrator of the Estate of LARRY GENE McCOLLUM,	§ § § § §	
PLAINTIFFS	§ §	
v.	§ § §	CIVIL ACTION NO. 4:14-cv-3253
BRAD LIVINGSTON, JEFF PRINGLE, RICHARD CLARK, KAREN TATE, SANDREA SANDERS, ROBERT EASON, the UNIVERSITY OF TEXAS MEDICAL BRANCH and the TEXAS DEPARTMENT OF CRIMINAL JUSTICE.	§ § § § § § §	
DEFENDANTS	§	

**DEFENDANT UNIVERSITY OF TEXAS MEDICAL BRANCH'S
RESPONSE TO PLAINTIFFS' MOTION TO STRIKE**

On February 9, 2015, The University of Texas Medical Branch at Galveston ("UTMB") timely filed its Objections to Magistrate Judge Toliver's Order on Plaintiffs' Motion for Sanctions ("Objections"). Dkt. No. 224. UTMB filed its Objections in this Court, as the Honorable Keith Ellison serves as the "district judge in [this] case" as directed by Federal Rule of Civil Procedure 72(a). Specifically, the Rule provides that "[a] party may serve and file objections to the [Magistrate Judge's] order within 14 days after being served with a copy. … The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a) (emphasis added).

On February 13, 2014, Plaintiffs filed their Motion to Strike Defendants' Objections to Judge Toliver's Order on Plaintiffs' Motion for Sanctions ("Motion to Strike"). Dkt. No. 226. The Motion to Strike attached a transcript of proceedings held on Monday, November 10, 2014 before the Honorable Sam Lindsay. *See* Exhibit B to Plaintiffs' Motion to Strike. UTMB filed its Objections without the benefit of this transcript. Upon carefully reviewing the transcript, UTMB agrees that its Objections should be heard by Judge Lindsay of the Northern District of Texas.

As such, UTMB respectfully requests that this Court transfer UTMB's Objections to Judge Lindsay for his consideration. As Judge Lindsay recently administratively closed the action pending in his Court, UTMB requests this Court seek that such action be re-opened to facilitate the requested transfer and for consideration of UTMB's Objections.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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NOTICE OF ELECTRONIC FILING

I, **J. LEE HANEY**, Assistant Attorney General of Texas, certify that I have electronically submitted a copy of the foregoing for filing in accordance with the Electronic Case Files system of the Southern District of Texas on February 13, 2015.

/s/ J. Lee Haney
J. LEE HANEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **J. LEE HANEY**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing Defendant UTMB's Response to Plaintiffs' Motion to Strike has been served by electronic mail on February 13, 2015, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas. All counsel of record will receive copies via electronic filing notification.

/s/ J. Lee Haney
J. LEE HANEY
Assistant Attorney General